

United States District Court

for

District of Guam

FILED
DISTRICT COURT OF GUAM

JAN 19 2007 *mla*

MARY L.M. MORAN
CLERK OF COURT

**Report for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearings is Attached)

Name of Offender: **Jeremy R. Millett** Case Number: **MJ 06-00009-001**

Name of Sentencing Judicial Officer: **Honorable Joaquin V. E. Manibusan, Jr.**

Date of Original Sentence: **December 12, 2006**

Original Offense: **Possession of a Controlled Substance, in violation of 21 USC § 844(a)**

Original Sentence: **One year Pre-Judgment Probation with conditions that the defendant: not commit another felony, state, or local crime; not unlawfully possess or use a controlled substance and submit to up to eight drug tests a month for use of a controlled substance; submit to the collection of a DNA sample; comply with the standard conditions of probation; be prohibited from possessing a firearm or other dangerous weapon; refrain from the use of all alcoholic beverages; participate in a program approved by the U.S. Probation Office for substance abuse, which may include testing; perform 50 hours of community service; and pay a special assessment fee of \$25.**

Type of Supervision: **Supervised Release** Date Supervision Commenced: **December 12, 2006**

PETITIONING THE COURT

☐ To extend the term of supervision for _____ years, for a total term of _____ years.

☒ To modify the conditions of supervision as follows:

1. To remove the condition that the defendant submit to the collection of a DNA sample at the direction of the U.S. Probation Office.

ORIGINAL

CAUSE

During a Status Hearing on December 12, 2006, Mr. Millett was placed on Pre-Judgment Probation. As a condition of his probation, he was ordered to submit to DNA collection. This condition was recommended in error as Mr. Millett's offense is a Class A misdemeanor and does not meet the criteria established by Congress for the collection of DNA in the Justice For All Act of 2004. Attached is the Waiver of Hearing to modify Conditions of Probation/Supervised Release or Extend Term of Supervision (PROB 49) with Mr. Millett's consent to the modification.

Reviewed by:

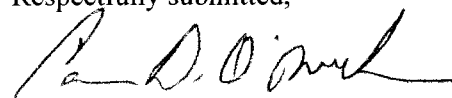


ROSSANNA VILLAGOMEZ-AGUON

U.S. Probation Officer
Supervision Unit Leader

Date: 1/17/07

Respectfully submitted,

by: 

CARMEN D. O'MALLAN

U.S. Probation Officer Specialist

Date: 1/17/07

THE COURT ORDERS

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above.
- ☒ The Modification of Conditions as Noted Above.
- ☐ Other

RECEIVED

JAN 19 2007

DISTRICT COURT OF GUAM
HAGATNA, GUAM



JOAQUIN V. E. MANIBUSAN, JR.

Magistrate Judge
District of Guam

1/19/2007

Date

United States District Court

for


District of Guam

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision


I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

I agree to the removal of the condition that I submit to the collection of a DNA sample at the direction of the U.S. Probation Office, since my case conviction does not qualify for the collection purposes.

Witness: 

U.S. Probation Officer

Signed: 

Probationer or Supervised Releasee

1/4/2007
Date